

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

CONSUMER FINANCIAL PROTECTION  
BUREAU, et al.

Plaintiffs,

vs.

STRATFS, LLC f/k/a STRATEGIC  
FINANCIAL SOLUTIONS, LLC, et al.

Defendants, and

DANIEL BLUMKIN, et al.,

Relief Defendants.

Case No. 24-cv-00040-EAW-MJR

**DECLARATION OF JOSEPH O'DONNELL IN SUPPORT OF EMERGENCY  
MOTION FOR AN ORDER TO SHOW CAUSE WHY INTERVENING  
LAW FIRMS SHOULD NOT BE HELD IN CIVIL CONTEMPT**

I, Joseph O'Donnell, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746  
that the following is true and correct:

1. I am the Vice President of Operations and Human Resources for StratFS  
("Strategic").
2. I have personal knowledge of the facts set forth in this Declaration and if called as  
a witness, I could and would competently testify to the facts stated herein.
3. I submit this declaration in connection with an Emergency Motion for an Order to  
Show Cause Why Intervenor Law Firms Should Not Be Held in Civil Contempt.
4. On Friday, May 3, 2024, I was monitoring the Strategic Customer Services team  
chat, when an agent posted a question about how to handle a call from a client, where the client  
had received a voicemail purportedly from someone representing the law firm. The client was  
calling our Customer Service line to return the call and find out what it was regarding. After a

couple more agents indicated that had received similar calls with the same problem, I investigated.

### **Law Firm Telephone Outreach to Consumers**

5. I researched the clients in Strategic's customer service system – Salesforce – to ensure that no Strategic service agent had attempted to reach out to the clients, and that we had no documentation of that outreach. Finding none, I proceeded to the next, upstream system, NDS Leadtrac Fusion, where Strategic personnel have access to additional activity and system notes of Strategic activities and also activities of the related law firms.

6. In the expanded logs showing law firm activity, I was able to see notes which reflected law firm telephone outreach to consumers. In particular, I observed notes from agents with CCU1 (an entity not affiliated with Strategic and with which I am not familiar) who had reached out to clients via telephone calls. I observed notes created by several agents from CCU1. These include phone call notes reflecting “Action: Call Center attempt 1” and “Contingency Sign Up changed to Call Center attempt 1” where X is the number of the most recent attempt to reach the client by phone. *See Exhibit 1.*

7. I contacted the Receiver about these discoveries. He asked that we conduct a limited search to determine if the calls appear to be part of general outreach efforts or whether the outreach calls I described were in response to client inquiries to the law firms. I and three customer service representatives then undertook an abbreviated review for approximately one hour. We found instances in which more than 30 clients had received similar law firm telephone outreach between April 29 and May 3, 2024. None of the outreach appears to be in response to client-initiated contact – in other words, we did not see any notes reflecting that the clients had contacted the law firms prior to the outreach calls.

8. I believe it is likely many more law firm clients received these outreach calls from the law firms. Specifically, the NDS Leadtrac Fusion system (which is paid for and operated by Strategic) only has a copy of the log entry from the system where the activity occurred – NDS Leadtrac Middleware (under the ownership and direction of the law firms). As a result, Strategic’s access to this information is somewhat limited, and I am unable able to run a system-wide report to identify all the consumers receiving these communications. The 30 clients identified were located via “hunt-and-peck” style searching by myself and the three agents and likely represent only a small portion of the consumers who have received these communications.

**Law Firm Emails to Clients re: “Urgent Matter”**

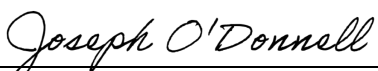
9. In the course of our review, we also observed in the NDS Leadtrac Fusion system notes reflecting that in addition to the outreach calls the law firms continue to send clients emails (often every two days) with the heading “Subject: [client name] Urgent Matter Reminder.” Based on the notes, these emails do not appear to be in response to client-initiated contact – in other words, we did not see any notes reflecting that the clients had contacted the law firms prior to the email contact. Attached hereto as **Exhibit 2** is a true and correct copy of three example consumer logs, each of which tracks contacts made by the law firms to a particular client. For instance, the consumer log pasted below indicates that the latest email sent Consumer #1 (information redacted for to protect consumer privacy) was just last Friday, May 3, 2024, with the subject “Consumer #1 Urgent Matter Reminder.” The log indicates the law firm sent similar “Urgent Reminder” emails to Consumer #1 on April 9<sup>th</sup>, April 11<sup>th</sup>, April 12<sup>th</sup>, April 13<sup>th</sup>, April 15<sup>th</sup>, April 17<sup>th</sup>, April 19<sup>th</sup>, April 21<sup>st</sup>, April 23<sup>rd</sup>, April 26<sup>th</sup>, April 27<sup>th</sup>, April 29<sup>th</sup>, May 1<sup>st</sup>, and May 3<sup>rd</sup>. Based on the consumer logs I reviewed, it appears that the law firms are sending these “Urgent

Reminder” emails to consumers often sometimes, as reflected below (and in **Exhibit 2**), once every two days.

Date	User	Category	Entry
<a href="#">5/3/2024 10:34 AM</a>	SYSTEM	General	Email sent to XXXXX @hotmail.com - Subject: Urgent Matter Reminder
<a href="#">5/1/2024 2:16 PM</a>	SYSTEM	General	Email sent to XXXXX @hotmail.com - Subject: Hazel XXXXX Urgent Matter Reminder
<a href="#">4/29/2024 9:05 PM</a>	SYSTEM	General	Email sent to XXXXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/27/2024 5:59 PM</a>	SYSTEM	General	Email sent to XXXXXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/26/2024 12:48 AM</a>	SYSTEM	General	Email sent to XXXXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/23/2024 12:37 PM</a>	SYSTEM	General	Email sent to XXXXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/21/2024 9:30 AM</a>	SYSTEM	General	Email sent to XXXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/19/2024 11:13 PM</a>	SYSTEM	General	Email sent to XXXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/17/2024 8:02 PM</a>	SYSTEM	General	Email sent to XXXXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/15/2024 7:51 AM</a>	SYSTEM	General	Email sent to XXXXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/13/2024 11:44 PM</a>	SYSTEM	General	Email sent to XXXXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/12/2024 11:13 PM</a>	SYSTEM	General	Email sent to XXXXX@hotmail.com - Subject: IMPORTANT INFORMATION FROM YOUR LAW FIRM
<a href="#">4/12/2024 10:29 PM</a>	middleware_admin	Status	Bulk E-Sign changed to Important Info Email
<a href="#">4/11/2024 11:34 AM</a>	SYSTEM	General	Email sent to XXXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/9/2024 6:49 PM</a>	SYSTEM	General	Email sent to XXXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/9/2024 6:49 PM</a>	ccu1	Status	Answering Machine -Luis
<a href="#">4/9/2024 6:49 PM</a>	ccu1	Status	Contingency Sign Up changed to Call Center attempt 1
<a href="#">4/9/2024 6:49 PM</a>	ccu1	Status	Action: Call Center attempt 1
<a href="#">4/6/2024 6:29 PM</a>	SYSTEM	General	Email sent to XXXX@hotmail.com - Subject: Hazel XXXX Urgent Matter Reminder
<a href="#">4/6/2024 2:07 AM</a>	quality.control	Status	Contingency Sign Up changed to To Contingency Call center
<a href="#">4/6/2024 2:07 AM</a>	quality.control	Status	Middleware Contingency changed to QC Pushed to Call Center

10. Again, because of Strategic’s access limitations I am unable to run a system-wide report to identify all the consumers receiving these emails. Similar to the findings of the call outreach (¶¶ 6 and 7 above), it seems very likely these clients represent only a small portion of the consumers who were sent these emails.

Executed this 6th day of May, 2024, in Buffalo, New York.

  
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 Joseph O'Donnell